



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,384	07/21/2000	Youn-Man Lee	P2014	4446

33942 7590 01/02/2003

CHA & REITER
411 HACKENSACK AVE, 9TH FLOOR
HACKENSACK, NJ 07601

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2685

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/621,384

Applicant(s)
Youn-Mag

Examiner
Naghmeh Mehrpour

Art Unit
2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 15, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al.

(US Patent Number 6,278,887 B1) in view of Spitaletta et al. (US Patent Number 6,278,887 B1).

Regarding **Claims 1, 3**, Son teaches a battery saving method of controlling the display of a portable telephone (col 4 lines 32-38), comprising the steps of checking whether a user activates answer key for a call origination to establish a call in response to an incoming call (col 4 lines 50-55, col 5 lines 11-22); deactivating the power supplied to the display when a call is set up according to the activation of the answer key (col 5 lines 46-51, col 7 lines 45-55); and, activating the power supplied to the display when the call is terminated (col 5 lines 50-65, col 6 lines 47-57). Son does not mention specifically that Send key is for originating to establish a call in response to the incoming call. However Spitaletta teaches that Send key is the key for originating to establish a call in response to the incoming call (Col 3 lines 39-40, col 7 lines 35-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Spitaletta, in order to conserve energy and save power.

Art Unit:

Regarding **Claim 2**, Son teaches a battery saving method further comprising the step of deactivating the power supplied to the display after the expiration of a predetermined time period if the SEND key (col 2 lines 10-20, lines 62-66).

Regarding **Claims 4**, Son teaches a method further comprising the step of deactivating the power supplied to the display after the expiration of a predetermined time period if the request to establish the call connection is made (col 6 lines 10-19).

Response to Arguments

3. Applicant's arguments filed 10/15/02 have been fully considered but they are not persuasive. .

In response to applicant's argument that Son fails to show certain the present application is based upon a specific recognition in the field of portable telephone, when a user presses the key for a call origination, the user holds the telephone to his ear waiting for the call connection and does not view the display (**specification**), it is noted that the features upon which applicant relies are not recited in the rejected claims. Although (as Applicant's mentioned in his arguments), the claims are interpreted in light of the **specification**. Limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As far as when the user presses **SEND** key, the Examiner agrees that Son does not mention specifically that for establishing the communication link the SEND key is pressed, however, Son provides in conjunction with the display off power saving features able to automatically turn the display on upon receipt of an incoming call. Beside the fact

Art Unit:

conventionally the cellular phones mostly are well known in the art for using SEND key for the establishing communication link, or answer an incoming call, or initiating a call. Therefore for the purpose of the applicant's amendment and arguing that "the SEND key is not shown in the reference (Son)", Examiner adds a reference that shows the SEND key is used for establishing the link between the callers at the time of incoming call or user initiation calls to provide stronger rejection.

Conclusion

4. Any responses to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The

Art Unit:

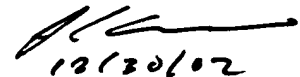
examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Edward F.

Urban can be reached (703)305-4385.

NM

Dec 30, 2002


12/30/02
LESTER G. KINCAID
PRIMARY EXAMINER